

AMENDMENT NO. _____

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AMEND Senate Bill No. 2840*

House Bill No. 3229

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 8, Part 1, is amended by repealing such Part in its entirety and substituting instead the following:

Section 68-8-101. This chapter shall be known and may be cited as the "Tennessee Anti-Rabies Law".

Section 68-8-102. As used in this chapter, unless the context otherwise requires:

- (1) "Cat" means all domesticated members of the feline family;
- (2) "Commissioner" means the commissioner of the department of health or a duly authorized representative;
- (3) "Compendium or rabies compendium" means the most recent issue of the national "Compendium of Animal Rabies Prevention and Control" published by the Association of State Public Health Veterinarians;
- (4) "Confinement" means housed in a building, pen or by some other suitable escape-proof method or enclosure or being leashed;
- (5) "Department" means the Tennessee department of health;
- (6) "Dog" means all domesticated members of the canine family;
- (7) "Hybrid animal" means the offspring of wild animals crossbred to domestic dogs or cats or any of their progeny for which the owner has records substantiating that their genetic heritage consists of twenty-five percent (25%) or more from wild animals. Crossbred dogs or cats with less than twenty-five percent (25%) documented genetic heritage from wild animals will be considered as domestic dogs or cats for purposes of this chapter;

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(8) "Observation period" means the time following a bite incident during which the biting animal's health status must be monitored;

(9) "Owner" means any person having a right or property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in such person's care or acts as its custodian, or who permits a dog or cat to remain on or about any premises;

(10) "Peace officer" means animal control officer, police, rabies control officer, sheriff, wildlife officer, or similar duly appointed law enforcement officer of the state or any political subdivision thereof, authorized by the Constitution, statutes, charter, or ordinances to enforce statutory, rule, charter or ordinance violations. It does not include employees of the department assigned to implement the provisions of this chapter;

(11) "Quarantine" means a state of strictly enforced isolation from other animals or the public imposed to prevent the spread of disease;

(12) "Shelter" means animal or humane shelter, dog pound or animal pound;

(13) "Vaccination" means the injection of a rabies vaccine for animals, which meets the standards prescribed by both the United States Department of Agriculture (USDA) license granted to the vaccine for interstate sale and by the department; and

(14) "Veterinarian" means any individual licensed by the state board of veterinary medical examiners to practice veterinary medicine in this state.

Section 68-8-103.

(a) It is unlawful for any person to own, keep or harbor any dog or cat six (6) months of age or older which has not been vaccinated against rabies as

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required by this chapter, or the rules and regulations promulgated pursuant thereto.

(b) Dogs and cats may be vaccinated as early as three (3) months of age or at an age as specified by the vaccine's USDA license, but will be considered as non-compliant with this section if over six (6) months of age.

(c) Ferrets, certain livestock, hybrid animals and other animals may be vaccinated for rabies if a vaccine is legally available for that species. Routine rabies vaccination of animals other than dogs or cats is not required unless deemed necessary by the commissioner or by emergency rules of the department.

(d) All rabies vaccinations of dogs and cats as required by this chapter shall be administered only by or under the supervision of a veterinarian.

(e) Evidence of such vaccination shall consist of a certificate that contains the owner's name and address, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, number of the vaccination tag issued when applicable, manufacturer and lot number of vaccine administered, and the name and signature of the supervising veterinarian. If the vaccination is given at an animal control facility or shelter, then the certificate shall contain the name and signature of the person administering the vaccine as well as that of the supervising veterinarian.

(f) The vaccination certificate shall be prepared in one (1) of the following manners, unless otherwise provided for by rule:

(1) Paper forms in triplicate; the original shall be given to the owner, the first copy provided to and retained by the department. The

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veterinarian administering or supervising the administration of the vaccine shall retain the second copy.

(2) Computer printout or electronic format, such that the owner, the department and the veterinarian administering the vaccine obtain a copy of the information provided for in Section 68-8-103(e).

(g) The rabies certificate form and rabies tags shall be provided by the department.

(h) A licensed veterinarian may provide and use an alternative tag and certificate providing that the requirements in Sections 68-8-103(e) and (f) are met.

Section 68-8-104.

(a) In addition to but not as a substitute for or in any way detracting from the vaccination requirements of this chapter, authorization is granted for the adoption of local laws or ordinances to require the registration of dogs or cats in counties or municipalities.

(2) Any local laws or ordinances implementing animal registration shall include methods for the collection of registration fees and shall require the expenditure of these funds to establish and maintain a rabies control program, also commonly known as an animal control program. In addition to various animal control activities, the rabies control program shall ensure that dogs and cats are properly vaccinated in accordance with this chapter and that biting animals or rabies suspects are observed or confined in accordance with this chapter and rules of the department.

(c) No dog or cat registration certificate shall be issued unless an unexpired certificate of rabies vaccination is exhibited.

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(d) All fees collected for registration shall become part of the county or municipality rabies control fund and shall be disbursed by the appropriate trustee in a manner prescribed by the local legislative body for the sole purpose of the payment of salaries, for the establishment and operation of an animal shelter, for the establishment and operation of an animal control program, or for other expenses incidental to the enforcement of this chapter in the jurisdiction to which the registration requirement applies.

(e) Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year, and its expenditure authorized by the local legislative body only for the purpose of rabies and animal control.

Section 68-8-105.

(a) Any county or municipality maintaining a program for the control of rabies shall be exempt from the operation of this chapter so long as such rabies program meets the minimum requirements of this chapter.

(2) This chapter shall not apply to any county which now has or hereafter may enact private laws governing the control of rabies in that county, that meet the minimum requirements of this chapter.

Section 68-8-106.

(a) The person or facility administering the vaccine shall issue a rabies tag for every dog vaccinated for rabies and the identification numbers on the tag shall be recorded on the rabies certificate.

(b) Cats may be, but are not required, to be issued a rabies tag.

(c) Every dog owner shall attach a metal tag or other evidence of rabies vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in

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chase or returning from the chase. Nothing herein shall be construed as permitting the use of an unvaccinated dog for any purpose.

Section 68-8-107.

(a) Any dog or cat found running at large may be seized by any peace officer and placed in an animal shelter in counties or cities where an animal shelter or pound is available.

(b) If the dog or cat is wearing a rabies vaccination tag or other identification, all reasonable effort shall be made to locate and notify the owners who shall be required to appear within five (5) days and redeem the animal by paying a pound fee as set by the city or county legislative body. A failure to pay the pound fee, or have the animal vaccinated if proof of current vaccination is not produced prior to release, shall require the animal to be adopted or destroyed.

(c) If any dog or cat is not wearing a vaccination tag or other identification, the animal may be adopted or destroyed, unless legally claimed by the owner within three (3) days.

(d) No dog or cat three (3) months of age or older shall be released from a shelter without having proof of current vaccination or until it has been vaccinated and, where applicable, a tag issued.

(e) A county may allow by local ordinance the adoption of a dog or cat three (3) months of age or older without a vaccination as long as procedures are established to ensure that the animal is vaccinated for rabies within seventy-two (72) hours of release from the shelter.

Section 68-8-108. This chapter shall not prohibit the transportation of dogs or cats in the state; provided, that the dogs or cats are securely confined or kept upon a leash while being transported in the state.

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Section 68-8-109.

(a) If any animal has bitten any person, is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal may be required to be placed under an observation period either by confinement or by quarantine for a period of time deemed necessary by the commissioner or rules of the department.

(b) The act of investigating the bite or rabies exposure and placing the animal under observation by confinement or quarantine shall be accomplished either by the department or by the animal control program, in either the county or municipality wherein either the animal owner or the person bitten resides, in consultation with the department.

(c) The confinement, quarantine or other disposition of the animal shall follow the current recommendations in the national Rabies Compendium unless more specific guidelines are designated by duly promulgated rules of the department or as deemed necessary by the commissioner to protect the public's health.

(d) The observation period by confinement or quarantine may occur at the animal owner's home at the discretion of the department or the animal control program.

Section 68-8-110.

It is an offense for any person to hide, conceal, aid, or assist in hiding or concealing any animal owned, kept or harbored in violation of Section 68-8-103 or Section 68-8-109. An offense under this section is punishable as a Class C misdemeanor.

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Section 68-8-111. Any licensed veterinarian who provides services to vaccinate animals against rabies at a community clinic that is sponsored by a county health department or municipality in accordance with this chapter, shall not by such participation assume any responsibility or liability for the supervision of the site or location where the rabies program is conducted. Such responsibility and liability shall be borne by the sponsoring county or municipality.

Section 68-8-112.

(a) The commissioner of health shall have the authority to promulgate such rules and regulations as may be deemed necessary for the proper enforcement of the provisions of this chapter.

(b) The commissioner in adopting rules may rely in whole or in part on guidance or standards contained in the Rabies Compendium or by the United States Department of Agriculture.

(c) The rules deemed necessary by the commissioner to effectuate the provisions of this part are of such importance to the welfare of the citizens of this state that they may be promulgated as public necessity rules.

Section 68-8-113. Any person failing to meet any requirements or violating any of the provisions this chapter commits a Class C misdemeanor with each violation being a separate offense.

SECTION 2. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 2005, the public welfare requiring it.